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MSO Memphis Information Bulletin

SECURITY PLAN COMPLIANCE EXAMINATIONS

On July 1, 2004, the U. S. Coast Guard commenced its enforcement phase for implementing the Maritime Transportation Security Act (MTSA) of 2002 through the verification of Vessel/Facility Security Plan (VSP/FSP). The three main objectives of the enforcement phase are to:

1. ensure that the measures contained in the VSP/FSP are in place on the vessel/facility;
2. ensure that the risk assessment accurately reflects the vulnerabilities that exist; and
3. ensure that the risk mitigation measures in the VSP/FSP are appropriate for the vessel/facility.

MSO Memphis inspection teams will conduct compliance exams to identify potential deficiencies with the approved VSP/FSP. **Sample compliance exam questions are contained on the reverse of this MSIB.** For those vessels/facilities that are making a good faith effort to implement their VSP or FSP and are in substantial compliance, on-the-spot corrections of minor deficiencies may be authorized. For those vessels/facilities that are not in substantial compliance, progressive enforcement tools may be used, such as restricting or suspending operations, civil penalties, notices of violation, and/or criminal penalties.

TRAINING

Results from our initial audits indicate that training of personnel with security duties is insufficient to fulfill required security responsibilities. In other instances, proper documentation could not be provided to meet the standards for demonstrating equivalent security related experience. In these cases, operations were suspended until the company could provide evidence of compliance with the MTSA requirements.

DOCUMENTATION

VSPs are required to be kept onboard manned vessels along with the associated USCG approval letters. Vessels with VSPs under review must provide documentation from the USCG indicating the status of the plan. For vessels operating under an Alternative Security Program (ASP), the following documentation must be onboard:

1. A copy of the ASP;
2. A letter from the owner/operator indicating which ASP the vessel is using; and
3. Evidence that the owner/operator is in good standing with the ASP's parent organization.

In accordance with 33 CFR 104.120, the VSP must not be carried onboard an unmanned vessel.

The following sections of Title 33 Code of Federal Regulations, Chapter 1, Subchapter H, are considered substantial aspects of an FSP and must have been implemented by July 1, 2004. Deficiencies identified in these areas may result in suspension of MTSA related activities:

- 105.205 FSO training/qualification
- 105.235 Effective means of communication
- 105.255 Security means for access control
- 105.260 Security means for restricted areas
- 105.265 Security means for handling cargo
- 105.270 Security measures for delivery of vessel stores and bunkers
- 105.275 Security measures for monitoring
- 105.240/245 Procedures for completing a DOS and performing the facility/vessel interface

Please review the guidance contained on the MTSA Help Desk website at <http://www.uscg.mil/hq/g-m/mp/mtsa.shtml> or contact the Current Operations Dept. at (901) 544-3528 for additional assistance.

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